



Public Notice

**US Army Corps
of Engineers**
Louisville District

Public Notice No.
200301311

Date:
10 Feb 04

Closing Date:
11 Mar 04

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Ms. Denise Marmer, CELRL-OP-FN
10557 McKelvey Road
Cincinnati, Ohio 45240-3929

Phone: (513) 825-4518

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Mr. Christopher Rybolt
9021 Pippin Road
Cincinnati, OH 45251

LOCATION: On the right descending bank of the Ohio River at Mile
486.6 in North Bend, Hamilton County, Ohio

Latitude: 39-08-49
Longitude: 84-45-16
7.5 Minute Quad: HOOVEN, OHIO

PURPOSE: To construct a parking area and install a private boat
dock for seasonal use.

DESCRIPTION OF WORK: The applicant proposes to place approximately 6480 cubic yards (cys) of fill material consisting of clay, shale, and broken concrete for the construction of a parking area adjacent to the Ohio River. The fill material would be obtained from road, bridge, and building demolition projects. About 4000 cys of the fill material would be placed below Ordinary High Water elevation of 463.7 feet above mean sea level (' msl) Ohio River Datum. The applicant proposes to install an 8-foot by 75-foot floating dock for a houseboat. The dock would be anchored with two pilings comprised of 10-inch pipe driven 12 feet deep and secured with concrete 5 feet in diameter and 7 feet deep from the surface. The dock would be held in position with two 8-inch pipes on pivots fastened to the piling and the dock. Also, two 3/4 inch stainless cable crossties would be fastened to the pilings and the 8-inch pipes. The riverward projection of the dock would be 18 feet at normal pool elevation of 455.0' msl. A walkway 2 feet wide would be constructed on the upstream 8-inch pipe extending to the dock. The dock would be constructed of 2-inch by 6-inch treated lumber on a steel truss frame with four 10 gauge metal floats that are 4 feet wide, 8 feet long, and 5 feet high.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA Permit, if otherwise warranted, will not be issued until a State of Ohio Water Quality Certification or waiver is on file at this office. The applicant is responsible for obtaining the certification from the Ohio Environmental Protection Agency (OEPA).

In accordance with Corps of Engineers policy, the OEPA has one year from the date of this notice to take a final action regarding the Section 401 Water Quality Certification (WQC). If during this year, Corps processing for this application is completed but OEPA has not yet taken a final action regarding the WQC, and if otherwise warranted, a Provisional DA Permit will be issued. However, this permit will not authorize the performance of any work. The Provisional Permit will describe the work that would be authorized and the General and Special Conditions which would be placed on the final DA Permit if OEPA subsequently issues the WQC or the Corps decides to issue because the one-year deadline expires.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest that might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. The permit area for this proposal consists of the fill and dock areas. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historic, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines

Operations Division
Regulatory Branch (North)
ID No. 200301311

(40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections that are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Ms. Denise Marmer at the address noted above and should refer to the Public Notice Number 200301311.